

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

JENNIFER VANDERSTOK, et al.,

§

Plaintiffs,

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V.

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BLACKHAWK MANUFACTURING GROUP INC., et al.,

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Civil Action No. 4:22-cv-00691-O

Intervenor Plaintiffs.

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V.

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MERRICK GARLAND, et al.,

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Defendants.

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ORDER

Before the Court is Intervenor-Plaintiff Polymer80, Inc.’s Notice Regarding Remaining Claims (ECF No. 232), filed July 7, 2023. On June 30, 2023, this Court vacated the Final Rule at issue in this case, mooted several of Polymer80’s claims. Mem. Opinion, ECF No. 227 (mooting Polymer80’s Counts I, III, V, VII, IX, XII, XIII in part, XIV in part, XV, XVI in part, and XVII in part). However, because Defendants’ other administrative actions—the promulgation of the Open Letter and Polymer80 Letter, which Polymer80 contends are “unlawful extensions of the now-vacated Final Rule”—have not been vacated, Polymer80 argues its challenges to those actions are *not* moot (Counts II, IV, VI, VIII, X, XI, XIII in part, XIV in part, XVI in part, and XVII in part). Notice 1–2, ECF No. 232. Polymer80 indicates its intent to seek summary judgment as to those non-mooted claims and proposes a scheduling order for the remainder of this litigation. *Id.*

Therefore, the Court **ORDERS** Defendants to respond to Polymer80's notice and address (1) the issue of mootness as to Polymer80's remaining claims and (2), if the Court determines

Polymer80's claims are not moot, whether Defendants agree to the proposed scheduling order (ECF No. 232-1). Defendants shall respond **no later than August 2, 2023**. Polymer80 may reply **no later than August 16, 2023**.

SO ORDERED this 12th day of July, 2023.


Reed O'Connor
UNITED STATES DISTRICT JUDGE